

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOHN STEVEN OLAUSEN,

Case No. 3:08-cv-00447-LRH-RAM

Petitioner,

ORDER

v.

E.K. MCDANIEL, et al.,

Respondents.

On November 19, 2010, the court granted petitioner John Steven Olausen's motion to reopen this case and dismissed this *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 as successive (ECF No. 13). Judgment was entered (ECF No. 15). Olausen filed a notice of appeal with the Ninth Circuit, and on October 21, 2011, that court denied his request for a certificate of appealability (ECF No. 19).

Four years later on November 20, 2015, Olausen filed a motion for recusal of district judge (ECF No. 20). This motion is factually frivolous and utterly meritless. 28 U.S.C. § 2244(3)(A) provides: "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." At the time that the court dismissed this petition as successive, it was Olausen's sixth successive petition filed without obtaining authorization of the Ninth Circuit (see ECF No. 13; 3:05-cv-00631-LRH-RAM; 3:06-cv-00069-PMP-VPC; 3:06-cv-00257-LRH-VPC; 3:08-cv-00527-LRH-RAM; 3:10-cv-00388-LRH-RAM). It is beyond question that

1 Olausen's petition was correctly dismissed with prejudice as successive, and his motion
2 to recuse is denied.

3 **IT IS THEREFORE ORDERED** that petitioner's motion for recusal of district
4 judge (ECF No. 20) is **DENIED**.

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6 DATED this 16th day of August, 2016.

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8 LARRY R. HICKS
9 UNITED STATES DISTRICT JUDGE
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